**Before Reading:**

What does privacy mean to you? How do you feel about a friend opening a

private letter you wrote? How do you feel about your parents searching your room?

What happens to a friendship when a “friend” tells a teacher a secret about you that

may get you into trouble or may lead to a search of your private property? How

would you feel about that friend? How would you feel about the school after the

search? Would your attitude about school authority change? Explain your answers.

*Cales v. Howell Public Schools, 635 F. Supp. 454 (E.D. Mich. 1985).*

This case involved a student who was found hiding behind cars in the school

parking lot when she should have been in class. This caused the school

administration to believe she may have been carrying drugs and therefore led to a

search of her person.

*The following is a summary of the case and excerpt’s of the Court’s decision to allow*

*this case to go to trial. A final ruling has not been made. No website is available for*

*this case.*

In April 1980, Ruth Cales was 15 years of age and a 10th grade student at Howell

High School in Howell, Michigan. At a time when she was required to be in school

session, she was observed by the Howell High School security guard in the parking

lot attempting to avoid detection by “ducking” behind a parked car. When

confronted by the guard and asked to identify herself, she lied and told him the

wrong name. Cales was subsequently taken to the office of the assistant principal

where she was made to dump the contents of her purse on a desk, which included

Howell High School “readmittance slips” which were improperly in her possession.

Cales was then instructed to turn her jean pockets inside-out, and she subsequently

completely removed her jeans. She was then required to bend over so that a female

assistant principal could visually examine the contents of her brassiere.

The basis for the search was the belief of one of the assistant principal’s that Cales

was in possession of illegal drugs. At no time was Cales’ person or body touched in

any manner.

The Supreme Court in New Jersey v. T.L.O. articulated the standard to be applied

in deciding whether the search of a student by school officials violates his or her

Fourth Amendment rights, stating:

…Under ordinary circumstances, a search of a student by a teacher

or other school official will be “justified at its inception” when there

are reasonable grounds for suspecting that the search will turn up

evidence that the student has violated or is violating either the law

or the rules of the school. Such a search will be permissible in its

scope when the measures adopted are reasonably related to the

objectives of the search and not excessively intrusive in light of the

age and sex of the student and the nature of the infraction.

Cales was observed ducking behind a car in the Howell High School parking lot at

the time she should have been in school. When questioned by a security guard, she

gave a false name. Based on this conduct, the assistant principal concluded that Cales was involved in drugs and should be searched. It is clear that Cales’ conduct created reasonable grounds for suspecting that some school rule or law had been violated. However, it does not create a reasonable suspicion that a search would turn up evidence of drug usage. Cales’ conduct … could have indicated that she was truant, or that she was stealing hubcaps, or that she had left class to meet a boyfriend. In short, it could have signified that Cales had violated any of an infinite number of laws or school rules. This Court does not read T.L.O. so broadly as to allow a school administrator the right to search a student because that student acts in such a way so as to create a reasonable suspicion that the student has violated some rule or law. Rather, the burden is on the administrator to establish that the student’s conduct is such that it creates a reasonable suspicion that a specific rule or law has been violated and that a search could reasonably be expected to produce evidence of that violation. For the reasons set forth above, Howell Public Schools and the assistant principal will not be dismissed from this case and it may proceed to trial.